

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SUSAN PEDER, for herself and as assignee of  
the CHAPTER 7 BANKRUPTCY ESTATE  
OF X10 WIRELESS TECHNOLOGY, INC.,

Plaintiff,

v.

SCOTTSDALE INDEMNITY COMPANY  
also doing business as SCOTTSDALE  
INSURANCE COMPANY, an insurer  
authorized by the Washington insurance  
commissioner, and FREEDOM SPECIALTY  
INSURANCE COMPANY, an insurer  
authorized by the Washington insurance  
commissioner,

Defendants.

CASE NO.

[KING COUNTY SUPERIOR COURT NO. 17-  
2-29638-4 SEA]

DEFENDANTS SCOTTSDALE INDEMNITY  
COMPANY'S AND FREEDOM SPECIALTY  
INSURANCE COMPANY'S NOTICE OF  
REMOVAL OF A CIVIL ACTION

JURY TRIAL DEMANDED

**[CLERK'S ACTION REQUIRED]**

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446,  
Defendants Scottsdale Indemnity Company and Freedom Specialty Insurance Company (collectively  
"Scottsdale"), through their counsel of record, hereby remove this action from the Superior Court of  
the State of Washington in and for the County of King. In support of removal, Scottsdale states as  
follows:

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SCOTTSDALE'S NOTICE OF REMOVAL - 1

OGDEN MURPHY WALLACE, P.L.L.C.  
901 Fifth Avenue, Suite 3500  
Seattle, Washington 98164-2008  
Tel: 206-447-7000/Fax: 206-447-0215

**I. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED.**

1. Plaintiff Susan Peder (“Peder”) commenced this action on her own behalf and as judgment creditor and assignee of X10 Wireless Technology, Inc. (“X10”) by filing a Complaint against Scottsdale in the Superior Court of the State of Washington in and for the County of King on or about November 14, 2017. This action was assigned Case No. 17-2-29638-4 SEA.

2. On November 15, 2017, Peder served Scottsdale with the Summons and the Complaint for this action via the Washington State Office of the Insurance Commissioner. *See* Complaint, attached hereto.

4. As required by 28 U.S.C § 1446(a) and LCR 101(b), Scottsdale is providing true and complete copies of all the records and proceedings in the state court proceeding, which includes all process, pleadings, and orders served upon Scottsdale. *See* Declaration of Daniel Shickich (“Shickich Decl.”), Exhibit A.

5. This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1), as it is being filed within 30 days after receipt of service by Scottsdale. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 119 S.Ct. 1322, 143 L.Ed.2d 448 (1999).

6. Pursuant to 28 U.S.C. § 1446(d), Scottsdale will promptly file a written Notice of Removal to Federal Court with the Clerk of the Superior Court of the State of Washington in and for the County of King, along with a copy of this Notice of Removal. *See* Shickich Decl., Exhibit B.

7. Also pursuant to 28 U.S.C. § 1446(d), Scottsdale will promptly serve this Notice of Removal, along with the Notice of Removal to Federal Court filed with the state court, upon Peder.

**II. INTRADISTRICT ASSIGNMENT IN SEATTLE IS PROPER.**

8. Pursuant to the assigning criteria set forth in LCR 3(d), this action should be assigned to a judge in Seattle, because the Superior Court of the State of Washington in and for the County of King, where this action is currently pending, is located within the Seattle Division.

1 **III. THIS COURT HAS FEDERAL DIVERSITY JURISDICTION.**

2 9. At the time this action was commenced, at the present time, and at all times material  
3 to this action, Scottsdale Indemnity Company was, is, and has been an Ohio corporation with its  
4 principal place of business in Scottsdale, Arizona. *See* Shickich Decl., ¶ 7.

5  
6 10. At the time this action was commenced, at the present time, and at all times material  
7 to this action, Freedom Specialty Insurance Company was, is, and has been an Ohio corporation with  
8 its principal place of business in New York, New York. *See* Shickich Decl., ¶ 8.

9 10. Upon information and belief, at the time this action was commenced, at the present  
10 time, and at all times material to this action, Peder was, is, and has been a citizen of Washington  
11 State residing in King County, Washington. *See* Complaint, ¶ 1.

12  
13 11. Plaintiff and Defendants were not citizens of the same state at any time material to  
14 this action. Therefore, complete diversity of citizenship exists as required by 28 U.S.C. § 1332.

15 12. Pursuant to 28 U.S.C. § 1332(a), removal is proper because Peder is seeking damages  
16 in excess of \$75,000. More specifically, in the Complaint, Peder alleges, “Scottsdale is obligated to  
17 pay the full amount of the \$550,000 Judgment entered against X10 in the Lawsuit,” or  
18 “[a]lternatively, if that Judgment represents ‘wages’ that are not covered under the Policy’s main  
19 form, Scottsdale is obligated to pay the \$250,000 of that Judgment under the Policy’s ‘Wage and  
20 Hour Claim Endorsement.’” *See* Complaint, ¶¶ 44.a, 44.b. Further, Peder is seeking treble damages  
21 and attorney fees and expenses. *Id.* at ¶¶ 59, 67.

22  
23 13. Jurisdiction is therefore proper in this Court pursuant to 28 U.S.C. § 1332(a)(1),  
24 which provides that the United States District Courts “shall have original jurisdiction of all civil  
25 actions where the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs,  
26 and is between . . . citizens of different states.”  
27  
28

1 WHEREFORE, Scottsdale respectfully removes this action from the Superior Court of the  
2 State of Washington in and for the County of King, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446,  
3 and prays the Court docket this action in this Court, and grant it all other proper relief.  
4

5 DATED this 14<sup>th</sup> day of December, 2017.

6 OGDEN MURPHY WALLACE, P.L.L.C.

7 By: s/ Geoff Bridgman

8 By: s/ Daniel Shickich

9 Geoff Bridgman, WSBA #25242

10 Daniel F. Shickich, WSBA #46479

11 901 Fifth Avenue, Suite 3500

12 Seattle, Washington 98164-2008

13 Telephone: 206.447.7000

14 Fax: 206.447.0215

15 E-mail: gbridgman@omwlaw.com

16 dshickich@omwlaw.com

17 Attorneys for Defendants Scottsdale Indemnity

18 Company and Freedom Specialty Insurance

19 Company  
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**CERTIFICATE OF SERVICE**

I certify under the laws of the United States of America that on the 14th day of December, 2017, I electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF System and served counsel below by the method indicated:

Bradley W. Hoff, WSBA #23974  
Jason R. Donovan, WSBA #40994  
FOSTER PEPPER PLLC  
1111 Third Avenue, Suite 3000  
Seattle, WA 98101  
bradley.hoff@foster.com  
j.donovan@foster.com  
**Attorneys for Plaintiff**

<input type="checkbox"/>	U.S. Mail
<input type="checkbox"/>	Messenger
<input checked="" type="checkbox"/>	Email
<input checked="" type="checkbox"/>	CM/ECF

DATED this 14th day of December, 2017.

s/ Daniel Shickich, WSBA #46479  
Daniel Shickich